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New Zealand

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I. Introduction

1. New Zealand has a proud tradition of protecting and promoting human rights at home and overseas. We recognise that human rights are vital for the development of diverse, inclusive and democratic societies. We welcome the opportunity presented by the Universal Periodic Review (UPR) to take stock of our progress and discuss New Zealand's human rights achievements, challenges and opportunities.

2. New Zealand's second UPR resulted in 155 recommendations, 121 of which the Government accepted. Government agencies worked together to identify the actions necessary to support implementation of the accepted recommendations and improve human rights in New Zealand. The *National Plan of Action for the Protection and Promotion of Human Rights, Mahere Rautāki a Motu*,[1] monitors progress in achieving the accepted recommendations. The Plan is an interactive online tool developed by the New Zealand Human Rights Commission, our national human rights institution. It enables the public to identify and monitor Government actions relating to each recommendation. It is updated regularly and has recently been revised to incorporate treaty body recommendations and the Sustainable Development Goals.

II. Report preparation

3. This report provides a snapshot of New Zealand's human rights performance between January 2014 and September 2018, referenced against recommendations from our second UPR. Future planned Government action to address ongoing challenges is also included. For those topics that did not feature in our last UPR, there is a section on new and emerging issues.

4. Tokelau is a dependent territory of New Zealand. It is standard practice to include Tokelau in New Zealand's reports. This UPR report includes an annex on the human rights treaties that apply to Tokelau. New Zealand has specific constitutional relationships with the Cook Islands and Niue, as well as Tokelau, as part of the Realm of New Zealand. Recognising these relationships, the governments of the Cook Islands, Niue and Tokelau were invited to review the draft report.

5. The New Zealand Government, in cooperation with the New Zealand Human Rights Commission, held public consultations in eight locations across the country to seek views on the human rights issues that are important to New Zealand communities. These consultations were attended by representatives of non-governmental organisations, community groups, academics, *iwi* (tribes), and interested individuals. For the first time, Government officials visited secondary schools across New Zealand and sought the views of over 250 students on human rights issues of particular relevance to young people.

6. The issues raised during the consultations were wide-ranging. Themes which emerged strongly are noted throughout this report. The Government acknowledges and is committed to continuing engagement on the concerns raised.

III. New Zealand's human rights framework

Domestic human rights infrastucture and institutions[2]

7. New Zealand's constitution is located in a range of legal and extra-legal sources, including legislative documents, the common law, the principles of the Treaty of Waitangi, constitutional convention, the law and custom of Parliament and customary international law.[3] The Human Rights Act 1993, the New Zealand Bill of Rights Act 1990 and the Privacy Act 1993 are the three main laws that specifically promote and protect human rights.

8. The Human Rights Act is intended to ensure that everyone is treated fairly and equally. It lists where discrimination is unlawful, and prohibits sexual and racial harassment

and the incitement of racial disharmony. It sets out the role of the New Zealand Human Rights Commission and the Human Rights Review Tribunal.

9. The Bill of Rights Act sets out obligations arising from the International Covenant on Civil and Political Rights. All new legislation introduced into Parliament must be examined for consistency with the rights and freedoms in the Bill of Rights Act.

10. The Privacy Act promotes and protects individual privacy and sets out the functions of the Privacy Commissioner. It sets out principles for the collection, use, disclosure and storage of personal information by agencies, and for access by individuals to their personal information.

11. The Government is committed to maintaining ongoing partnerships with Māori, the indigenous people of New Zealand, including at *iwi* (tribe), *hapū* (sub-tribe) and *whānau* (family) levels. Māori rights and interests are recognised and provided for in various pieces of legislation. Whether or not there is an express statutory reference, the Treaty of Waitangi and its principles must be considered, and priority given at an early stage of any proposed Government action to ensuring that Māori interests are identified and that appropriate engagement with the relevant communities is undertaken.

Developments[4]

12. There are several examples of developments relating to New Zealand's human rights infrastruture and institutions.

13. Since joining the Open Government Partnership in 2013, New Zealand has submitted two National Action Plans. The first Plan addressed recommendations from an assessment of New Zealand's national integrity system undertaken by Transparency International. This review found New Zealand's integrity system to be fundamentally strong and rated it highly against transparency and good governance indicators. The second Plan comprised commitments relating to open budget processes, official information practices, open data, public engagement, access to legislation, and improving policy development.

14. In 2016, Parliament amended the Human Rights Act to change the structure and functions of the Human Rights Commission. The changes give the Commission greater flexibility to respond to emerging human rights issues by enabling the Chief Commissioner to create new portfolios for Commissioners. The amendment revised the Commission's functions to reflect activities it already undertakes, including a mandate to promote compliance with international human rights obligations.

15. In 2016, New Zealand undertook an independent review of intelligence and security.[5] This review focused on the legislative framework governing the intelligence and security agencies. The majority of the recommendations were implemented via the Intelligence and Security Act 2017, which includes specific provisions that emphasise the requirements for intelligence and security agencies to comply with human rights standards.

16. In 2017, 18 Government agencies formed an International Human Rights Governance Group to lead cross-government work related to New Zealand's international human rights monitoring and reporting and improve accountability for meeting human rights targets.

17. The Government intends to propose legislation enabling senior courts to declare laws inconsistent with the Bill of Rights Act. Declarations of inconsistency will inform Parliament that the courts consider an Act is inconsistent with fundamental rights. Parliament could respond by affirming, amending or repealing the law in question. The Government is carrying out work to determine how this legislative power could operate effectively.

18. In 2018, the Government introduced the Privacy Bill to update the Privacy Act to modernise its language, provide enhanced legal certainty and strengthen privacy protections.

International human rights framework[6]

19. New Zealand is committed to implementing our international human rights obligations domestically. We have a long-standing practice of accepting international obligations only after reviewing and amending the relevant legislation, policy and practice to ensure compliance. The Government considers whether legislative and other changes mean that New Zealand can ratify further human rights instruments, withdraw reservations and accede to communications procedures. We welcome recommendations by treaty bodies and the New Zealand Human Rights Commission in this regard.

20. New Zealand has ratified seven core human rights treaties, and is considering acceding to the International Convention for the Protection of all Persons from Enforced Disappearance.[7] In October 2016, we acceded to the Optional Protocol to the Convention on the Rights of Persons with Disabilities. The implications of ratifying the Optional Protocol to the Convention of the Rights of the Child on a communications procedure is under consideration by the Government.

21. New Zealand is committed to upholding the rights affirmed by the Declaration on the Rights of Indigenous Peoples and to engaging further with the aspirations that it sets forth. The Treaty of Waitangi is of fundamental importance in our laws, constitutional arrangements and the work of successive governments. New Zealand is committed to the common objectives of the Treaty of Waitangi and the Declaration, alongside our existing legal and constitutional frameworks. The Government has implemented a range of initiatives to enhance the Government-Māori relationship in line with the principles of the Treaty of Waitangi and the objectives of the Declaration. Recent examples include *Te Ture mō Te Reo Māori Act 2016, Te Awa Tupua (Whanganui River Claims Settlement) Act 2017,* and *Te Urewera Act 2014*. The Government is considering an approach to working with Māori to develop options for a national plan of action, strategy or other measure on the Declaration, given our unique domestic circumstances. The views and participation of Māori will be integral to these decisions.

22. New Zealand has a standing open invitation to all United Nations Special Procedures mandate holders, which will continue. We support the work of the Office of the High Commissioner for Human Rights, including through the provision of non-earmarked financial contributions. New Zealand has also increased its multi-year budget allocation for Official Development Assistance (ODA).[8] In 2015 the ODA budget was increased by $228 million for the three year period to June 2018. In 2018, the Government approved a further increase of NZ$714 million across a four year period to June 2022. This is based on projections that would see New Zealand maintain its allocation to ODA at 0.28% of gross national income.

IV. Implementation of recommendations

A. Civil and political rights

Safety and personal security[9]

23. Violence, and particularly family and sexual violence, remains a major human rights challenge in New Zealand. Around 12% of New Zealanders – over half a million people – are directly affected by family violence each year.

24. Violence disproportionately affects some parts of New Zealand society. Māori are disproportionately represented as people who are harmed and who cause harm. Women are 7–10 times more likely to be seriously injured by partner violence than men, and women also experience more repeat incidents of interpersonal violence by family members.

25. New Zealand has unacceptable rates of family and sexual violence. The Government is focused on the wellbeing of children and families (*whānau*), so reducing family violence and sexual violence is essential.

26. The Government's UPR consultations identified violence against women, sexual harassment and child abuse as issues of concern. Violence against men and boys was also raised, including concerns that this type of violence goes unreported.

27. The Government acknowledges that recent responses to family and sexual violence have been inadequate, and has committed to making improvements for victims, perpetrators and their families. The Government is creating a dedicated agency tasked with building a cohesive, whole-of-government response to family violence and sexual violence. The foundations are in place for significant improvements.

28. Much of New Zealand's family and sexual violence prevalence data comes from a national crime survey, which was last undertaken in 2014. Family violence has been prioritised for in-depth exploration in the 2018 survey to assist with targeting improvements.

New law and policies

29. The Government is building on the foundations for a systemic approach to family violence and sexual violence. These foundations, and progress towards successful implementation, will include the passage of new laws and policies, a national strategy for the prevention of family violence and sexual violence, an investment strategy for family violence and sexual violence services, dedicated Government roles, and improved data.

30. A 'Family and Whānau Violence Legislation Bill' is expected to become law in 2018. The Bill will introduce new offences, support new ways for collecting evidence, enable judges to refer people to broader services and make changes to Protection Orders, Police Safety Orders and other mechanisms to improve safety. The Bill will also criminalise coerced marriage or civil union. New resources will help victims of sexual violence understand the justice process.

Response services

31. In 2016, the Government committed funding to pilot a new Integrated Safety Response model for an enhanced response to family violence episodes and high-risk prison releases. Features include specialist services for victims and perpetrators, daily risk assessment, family safety plans, and an electronic case management system. To date, NZ$26.4 million has been allocated and in the last funding round, over half this funding went to Māori providers.

32. Since 2015, the National Collective of Independent Women's Refuges has delivered '*Whānau Protect*', New Zealand's nationwide home safety service. '*Whānau Protect*' supports victims of family violence who experience repeat victimisations, are at high risk of serious assault or death, and are leaving an abusive relationship. Practical safety improvements are made to houses by providing security alarms, replacing glass-panelled doors with solid doors, repairing broken windows, cutting back vegetation, installing security lights and replacing locks. Evaluations showed that 87% of clients felt less fearful and 82% said the offender made no further attempt to re-enter the house.

33. A new sexual harm phone and web-based helpline, 'Safe to Talk', was launched in 2018 in Canterbury and is scheduled for roll-out nationwide. A new elder abuse response service was established in 2017, including a free confidential helpline where nurses or social workers can provide advice to victims, their families and carers.

34. Since 2016, the Accident Compensation Commission (ACC), the Government entity responsible for administering New Zealand's universal no-fault accidental injury scheme, has partnered with Gandhi Nivas and New Zealand Police to deliver early intervention services to perpetrators of family violence and their families. Gandhi Nivas supports men to change their behaviour, reducing the likelihood of further harm and increasing safety for families.

Kaupapa Māori initiatives (i.e.: indigenous initiatives)

35. '*E Tū Whānau*' is a long-standing national *whānau* (family) violence prevention programme. It is a Māori response, supported by Government, to unacceptably high levels

of violence within *whānau* (families). It utilises a strengths-based approach to increase protective factors (such as cultural identity, social capital, family stability and community cohesion) and decrease risk factors for family violence.

36. Changing the attitudes, behaviours and norms that enable and sustain violence is a priority for *'E Tū Whānau'*. Key messages are disseminated via radio, community events, social media, community wananga (educational forums) and targeted resources. Surveys commissioned between 2014–2017 have found that *'E Tū Whānau'* resources have a positive impact on changing beliefs, attitudes and behaviour. Over time, and with a strengthened measurement framework, *'E Tū Whānau'* is expected to see a reduction in family violence amongst its participating communities.

Pacific initiatives

37. ACC has partnered with Le Va (a Pasifika[10] organisation) who will work with Pacific communities to establish a national injury prevention action plan. This plan will establish a Pasifika Spearhead service focused on prevention of family violence, sexual violence and suicidal behavior for young people. It will equip young people and their families to help prevent violence by providing evidence-informed education, training, resources and tools, tailored to meet the needs of Pacific communities.

Arms trade

38. New Zealand was a leading proponent of the Arms Trade Treaty (ATT). The Treaty entered into force for New Zealand in 2014.[11] The Brokering (Weapons and Related Items) Controls Act 2018 introduced more comprehensive controls in this area. The brokering regime has extraterritorial application and also covers dual-use goods under certain circumstances. New Zealand has undertaken initiatives to support universalisation and implementation of the ATT, including the production of model implementing legislation and a model "export control list" for the Pacific. In 2018, New Zealand hosted the Pacific Conference on Conventional Weapons Treaties to promote uptake and implementation of the ATT in the Pacific region.

Equality and non-discrimination in the criminal justice system[12]

39. Māori constitute around 15% of New Zealand's population, but have made up approximately half of New Zealand's prison population for several decades. Pacific males are significantly over-represented in the prison population. Conversely, Māori are under-represented in New Zealand's Police (11%) and judiciary (10%). Efforts are underway to address these issues and ensure that our criminal justice system is free from discrimination.

40. Concerns with New Zealand's justice system and the treatment of prisoners were raised during UPR consultations. The Family Court system was described by some participants as slow, difficult to navigate, and on occasion as biased against men and people with mental health issues. Concern was also raised about 17 year olds being dealt with in adult courts rather than the youth justice system, the high number of incarcerated Māori, and bias in the criminal justice system.

Youth justice

41. New Zealand continues to prioritise efforts to improve youth justice outcomes, particularly for young Māori. Government agencies recently developed a dataset, which indicates that the youth justice system is performing well against key measures. Positive findings include a decline in the offending rate for children (10–13 years) and young people (14–16 years) by 59% and 63% respectively between 2009–2010 and 2016–2017. The rate of Youth Court appearances also decreased by 38% between 2009–2010 and 2016–2017. However, data indicate that there is room for improvement, particularly on outcomes for Māori and the use of remand. The Government has developed a work plan to address these areas.

Diversity in New Zealand Police

42. New Zealand Police has a focus to recruit more women, Māori, Pacific, Indian, African, and Asian New Zealanders. The talent pipeline is proactively managed to reflect the diversity in our communities. In 2016, New Zealand Police was given the top prize at the New Zealand Diversity Awards for efforts to recruit, train and promote female officers. New Zealand Police has a goal of its workforce matching the percentage of Māori in the population overall by 2020.

43. The Commissioner of Police and District Commanders meet regularly with key leaders of ethnic and Pacific communities. At the grassroots level, Police liaison officers assist with community engagement and integration.

Alternative resolutions

44. Following a successful pilot phase, nine '*Te Pae Oranga*' – *Iwi* (tribe) Community Panels are now in operation providing an alternative to prosecution for some low-level offending. These panels hold offenders to account, but are focused on prevention and addressing the underlying causes of offending behaviour. The panels are grounded in *tikanga Māori* (Māori cultural principles), but open to all. For Māori offenders, the panels use *whanaungatanga* (kinship) as a tool for accountability and rehabilitation. Projections indicate that 1,200 offenders will be subject to a Panel in 2018, with evaluation showing that panels are effective in reducing reoffending by Māori youth by 12%.

45. *Oranga Tamariki – Ministry for Children* is supporting several *iwi* (tribes) to coordinate Family Group Conferences. These conferences are a mediated meeting between family members and officials, such as social workers and Police, about the care and protection or criminal offending of a child or adolescent. Victims are supported to participate in youth justice Family Group Conferences.

Rangatahi and Pasifika Youth Courts

46. Fifteen Rangatahi (Youth) Courts and two Pasifika Courts operate on *marae* (traditional meeting places) or in community halls. These Courts work within the existing Youth Court framework to provide a more culturally appropriate response for young people who offend and their families.

47. Evidence shows that Rangatahi Courts are successful in facilitating positive behaviour by young people, connecting them with their cultural identity, community and positive role models, and assisting them to develop positive relationships. An indicative study by the Ministry of Justice showed that young people coming before a Rangatahi or a Pasifika Court were 11% less likely to reoffend over the following year than comparative youth who had been through the Youth Court. Rangatahi and Pasifika Courts have been recognised internationally for their approach, receiving the Australasian Award for Excellence in Judicial Administration.

Working with Māori and Pacific prisoners

48. The Department of Corrections ('Corrections') delivers a range of programmes and interventions designed to be responsive to the needs of Māori and other ethnicities. Corrections has a dedicated Māori Services Team responsible for improving engagement with Māori offenders, and works with Māori leaders to improve outcomes for Māori.

49. In addition, Corrections contracts a number of non-government organisations to deliver a suite of culturally-based programmes targeted at Māori and Pasifika people (but open to all).[13]

50. In 2017, the Waitangi Tribunal[14] issued a report on the disproportionate rates of Māori reoffending. The Government has taken steps to implement many of the Tribunal's recommendations. This work is ongoing, including work on a new Māori strategy being developed in partnership with the Māori leaders.

Mental health services

51. People in New Zealand prisons have high rates of mental health issues. The need to strengthen mental health services for prisoners was raised during UPR consultations.

52. Corrections is currently piloting four mental health and reintegration services aimed at promoting self-care and independence. Teams of clinicians work directly with individuals in prisons and Community Corrections sites to support their mental health needs, and provide mental health education to staff. Support is also provided to families of prisoners engaged in mental health services at four of the Community Corrections sites.

53. In addition, the Intervention and Support project is being developed to transform the support available to prisoners vulnerable to self-harm and suicide. The new model of care will take a therapeutic and long-term approach to ensure prisoners vulnerable to suicide and self-harm receive the support they need.

54. Intervention and Support Units, previously known as At-Risk Units, were established in New Zealand prisons to provide a safe environment to accommodate prisoners at risk of self-harm. In 2015–2016, 3,088 prisoners were placed in Intervention and Support Units on 4,281 occasions for an average of seven days. The New Zealand Ombudsman has raised issues with the management of prisoners in these Units, including privacy concerns and the use of tie-down beds. Corrections is committed to ensuring Intervention and Support Units meet appropriate standards and that staff and prisoners at these facilities are safe and supported. In 2017, New Zealand amended the Corrections Regulations which limits the use of tie-down beds to situations in which all other means of preventing injury and ensuring safety will be ineffective or unfeasible. The intention in the longer-term is to cease the use of tie-down beds altogether.

55. In July 2018, Corrections opened the redevelopment of Auckland Prison, New Zealand's maximum security facility. The facility includes a purpose-built mental health treatment unit and a therapeutic sensory garden. A new 100-bed mental health facility at Waikeria Prison is also being developed.

56. Corrections takes the dignity and privacy of all prisoners seriously. Privacy in safe cells must be balanced against the risk posed to the prisoner's life. Cameras in Intervention and Support Units are used in accordance with the Corrections Act 2004 and Corrections Regulations 2005. A National Working Group is considering the use of closed-circuit television and prison privacy, including whether any changes could be made to ensure greater personal dignity. The Prisoner Welfare Governance Board was established to advise on management and care for prisoners in custody, and to drive programmes of work to address identified needs. The Board's focus is the oversight of prisoner safety and welfare, and independent external members include two former Ombudsmen.

B. Economic, social and cultural rights

Education[15]

57. New Zealand's education system reflects our diverse society, which welcomes different abilities, religious beliefs, ethnic groups, and income levels. Schooling is compulsory from age 6-16 years and free between the ages of 5–19 years in state schools. Early childhood education is not compulsory, but is attended by 97% of New Zealand children. The Government subsidises early childhood education for all children up to 6 hours per weekday, and a higher subsidy is available for 3–5 year olds for 20 hours per week. From 2018, first year tertiary students pay no fees. This will increase to the first three years of tertiary study by 2024.

58. Māori-medium education is where students are taught all or some curriculum subjects in Te Reo Māori (the Māori language) at least 51% of the time. Schools that teach in English use the New Zealand Curriculum. Schools that teach in the Māori language use *Te Marautanga o Aotearoa* (a curriculum based on Māori philosophies). Together, they set a vision for New Zealand's young people – that they will be confident, connected, actively-involved lifetime learners. The curriculum is designed to protect against sexism, racism and

discrimination. It asks schools to ensure that they recognise and affirm student's identities, languages, abilities and talents and provide opportunities for all students to achieve positive outcomes.

59. While there is much to be proud of in the New Zealand education system, the Government is committed to improvement. The Minister of Education recently announced a comprehensive three-year work programme, including explicit consideration of the impact for Māori and Pacific learners, supporting Māori-medium education and students who have learning needs.

60. The Government has set out an ambitious work programme with an enduring long-term vision for education to meet the needs of all learners. The work programme is made up of reviews, medium-term strategies to map out priorities and actions, and key initiatives to get underway now.

61. Education-related issues were raised in UPR consultations, including at secondary schools. There were requests for compulsory teaching of Te Reo Māori and increased human rights education. Concern was raised about religious instruction in some state schools, bullying rates, and minimum qualification requirements for early childhood teachers and teacher aides.

Improving education outcomes for Māori and Pacific students

62. Education participation and achievement rates for Māori and Pacific communities in New Zealand are improving but continue to track below those of other ethnic groups. The Government acknowledges that the education system needs to improve outcomes for Māori and Pacific students. '*Ka Hikitia*' is the Government's Māori education strategy, which recognises Māori aspirations and the importance of Māori identity, language and culture for achieving success. The Government also supports '*Tau Mai Te Reo*', the Māori Language in Education strategy, which is focused on the important role of Māori language and Māori-medium education in developing a strong sense of cultural identity for all New Zealand students. Achievement of secondary school students in Māori-medium education is significantly higher than Māori students in English-medium education.

63. For Pacific students, the 'Pasifika Education Plan 2013-2017' promotes alignment between the learner's educational environment and their home or cultural environment.

64. The Ministry of Education is working to improve educational outcomes by making teaching more culturally responsive. Efforts are being made to ensure that racism and bias is addressed at every level, including policies of the school Board of Trustees, the school climate, individual teaching practices and the ways in which children and young people relate to one another.

Learning support

65. The right to an inclusive education is reflected in the Education Act 1989 and reinforced by the New Zealand Disability Strategy. The Education Act states that people who have special educational needs have the same rights to enrol and receive education at state schools as others. There is an explicit obligation on state schools to be inclusive.

66. The Education (Update) Amendment Act 2017 made changes so schools can access quicker and more tailored support, and the Ministry of Education can intervene where a child is prevented from accessing education. During 2015, the Ministry for Education consulted with over 3,650 parents, *whānau* ('families') and the disability and education sectors. Feedback highlighted the need for the learning support system to be more accessible, focused on children and young people's needs, flexible and linked with other health and social services. A new approach for learning support was developed to address issues raised, including increased coordination, more flexibility in learning environments, and better data-sharing across service providers. The new approach has been implemented in 21 *Kāhui Ako* (communities of learning), with another 26 school groups and early learning services to follow in 2018.

Bullying in Schools[16]

67. Bullying, including cyberbullying, in New Zealand schools is concerning. Schools are required to provide a safe physical and social environment for students. The Ministry of Education supports schools with practical resources and guidance, and free access to 'Wellbeing@School' survey tools, which form part of the Bullying-Free New Zealand School Framework. Data from these surveys show that the rates of bullying behaviour reported by students is decreasing.

Health[17]

68. Overall New Zealand has a well-functioning public-funded health system. There is a legislative framework with strategies and policies designed to ensure the provision of healthcare and the realisation of the right to health.

69. New Zealanders are living longer lives in good health, but health outcome disparities continue to exist, particularly for Māori, Pacific peoples, and people living in lower socio-economic areas. Compared to other Organisation for Economic Co-operation and Development (OECD) countries, New Zealand children experience high levels of infectious disease, injury, maltreatment and hospitalisation for preventable conditions such as rheumatic fever and pneumonia. New Zealand's youth suicide rate is among the highest in the OECD. The need for improved mental health services, particularly for vulnerable groups, featured strongly during UPR consultations. Other issues raised included the vulnerability of people with dementia, the Government's intention to review abortion law, and sexual and reproductive health and rights, particularly for young people, women and Māori.

Māori health

70. There are significant and persistent disparities in health outcomes between Māori and non-Māori in New Zealand. Life expectancy is lower by approximately 4 years for both Māori men and Māori women. Māori have a higher disability rate, regardless of age, and the total cardiovascular disease mortality rate among Māori is more than twice the national average. Māori adults over 25 years are more likely to get cancer, and 50% more likely to die as a result. Māori aged between 5 and 34 years are almost twice as likely as non-Māori to have been hospitalised for asthma.

71. Improving disparities in health outcomes for Māori is the role of the whole health sector. New Zealand's Māori Health Strategy, '*He Korowai Oranga*', sets the overarching framework that guides the Government and the health and disability sector to improve disparities and achieve the best health outcomes for Māori. From 2017–2018, dedicated Māori Health Plans have been incorporated into the annual plans of New Zealand's District Health Boards to achieve a more seamless approach across the health sector, with an explicit aim of strengthening Māori health outcomes.

72. The Waitangi Tribunal is in the early stages of an inquiry into the health system and claims that allege breaches of the Treaty of Waitangi in relation to health services provided to Māori. The Government is engaged in this inquiry and has encouraged the Tribunal to adopt a forward-looking approach to any recommendations that arise.

73. Barriers to accessing health and disability services by Māori are being addressed. ACC launched a Māori-specific strategy, '*Whāia Te Tika*', in 2016. This was in recognition that Māori are 2.5 times more likely than non-Māori to sustain a serious life-changing injury, but less likely to access ACC services. The strategy commits to partnering with Māori and their *whānau* (families) to achieve better outcomes, ensuring that the incidence and impact of injury for Māori is minimised.

Pacific peoples' health

74. Compared with the total New Zealand population, Pacific peoples have poorer health status across a variety of measures. Pacific children are more likely to be overweight than other children, and Pacific health status is unequal with non-Pacific across almost all chronic and infectious diseases. Life expectancy for Pacific males and females is roughly 6

years less than their non-Pacific counterparts. Pacific adults are also twice as likely to have increased psychological distress (high or very high probability of an anxiety or depressive disorder) compared with non-Pacific adults.

75. *'Ala Mo'ui*: Pathways to Pacific Health and Wellbeing 2014-2018' provides an outcomes framework to deliver high-quality health services that meet the needs of Pacific peoples. This framework sets out 13 actions across four priority areas. At a national level, performance for Pacific peoples has achieved equity in five of 21 indicators, including accessing alcohol and drug services, receiving a Before School Check, and General Practitioner and nurse utilisation rates.[18]

76. Barriers to accessing health and disability services by Pacific peoples are also being addressed. For example, disability services information was translated into six Pacific languages in 2016, alongside a media campaign to raise awareness of disability services available to Pacific communities and challenging negative perceptions.

Targeted services

77. Efforts have been made, with some success, to prevent rheumatic fever, which mainly affects Māori and Pacific children and young people in high deprivation areas. In 2016, the rheumatic fever rate was 3.0 cases per 100,000 people (147 cases), a 23% reduction from the baseline rate established over 2009–2012. Free drop-in sore throat clinics are provided nationally, and children are treated through a school-based programme operating in 230 schools.

Mental health

78. The need for improved mental health services, particularly for young people, men, ethnic communities and the LGBTIQ community, was a strong theme during UPR consultations.

79. The New Zealand 'Government Inquiry into Mental Health and Addiction' was established in 2018 in response to widespread concern about mental health and addiction services. The purpose of the Inquiry is to identify unmet needs and develop recommendations for a more cohesive approach. The Inquiry acknowledges that there is work to be done to improve mental health services and outcomes for New Zealanders, particularly for vulnerable groups. The Government is taking steps to reduce the use of seclusion and restraint, particularly in mental health and addiction settings.

80. The Government acknowledges that Police cells are not an appropriate environment to conduct mental health assessments. In 2017, nearly 1,500 people were detained in Police custody for this purpose. Over the reporting period, New Zealand Police has focused on ensuring more people are assessed in a health services environment, or their home. This has resulted in a two-thirds reduction in the numbers of people detained in Police custody awaiting mental health assessment.

81. Reducing the disparity of Māori mental health outcomes is a longstanding priority. Māori make up approximately 15% of the population, but account for 27% of mental health service users. In 2016, Māori were 3.6 times more likely than non-Māori to be subject to a community treatment order.[19] From July 2017, all District Health Boards were required to reduce the rate of Māori subject to community treatment orders by 10% by June 2018.

82. In 2012, a 'Youth Mental Health Project' was launched to help prevent mental health issues and improve young people's access to mental health services. The project comprises 26 initiatives, including comprehensive school-Based health services used by approximately 110,000 students in 2015/16.

C. Rights of specific persons or groups

Women

83. In 1893, New Zealand was the first country where women secured the right to vote. The Government is proud to maintain New Zealand's role as a leader in gender equality.

but recognises that more can be done to protect and promote women's rights. Our legislative framework provides women with comprehensive protection against all forms of discrimination.[20]

Education, training and utilising skills[21]

84. New Zealand women are gaining qualifications at a higher rate than men but their skills are not being translated into career opportunities. More women than men are not in education, employment or training, and Māori and Pacific women and young mothers are particularly vulnerable to low wage employment and poorer financial outcomes.

85. The Government is encouraging women and girls to train and work in occupations where high growth is projected and where women are under-represented, particularly science, technology, engineering and mathematics industries, and construction and trades. 'A Nation of Curious Minds, *He Whenua Hihiri i te Mahara*' is a cross-government initiative to improve engagement with science and technology across all sectors of society, including for women and girls. From 2018, 'Digital Technologies, *Hangarau Matihiko*' curriculum content will allow all learners to learn about computer science principles and programmes.

86. The Government is committed to encouraging vulnerable groups of women into training, with a three-fold increase in the number of female Māori and Pacific students in trades training since 2014.

87. Women's greater share of care responsibilities in the family, and the resultant need for flexible and part-time work, can act as barriers to fully utilising women's skills in New Zealand's workplaces. The Ministry for Women has collaborated with chambers of commerce, economic development agencies, industry training organisations, trade associations and other Government departments to promote greater workplace flexibility for both women and men. Initiatives include workshops for small and medium business owners, development of a flexible work toolkit, and profiling flexible work business champions.

Women in leadership[22]

88. The Ministry for Women has resources to connect women to support to help them realise their leadership potential, and is working to improve the gender balance amongst senior leaders.

89. In 2016, the Government achieved its aim of having at least 45% participation by women on state sector boards and committees. Extra efforts are required to increase the number of women holding board chair roles (34.5% in 2017) and to address under-representation on boards in specific state sector areas. The Government has set a new target of 50% participation for women on state sector boards by 2021.

90. Women's representation amongst senior leaders in New Zealand's public service reached 47.9% in 2017. This remains lower than the proportion of women in the public service overall (60.5% in 2017), but increased from 38.4% in 2009. If current trends continue, 50% of senior leaders in New Zealand's public service will be women by around 2020.

91. Women are further under-represented in private sector leadership positions. Women make up 20% of directors and 19% of chief executives and senior managers of all New Zealand Stock Exchange (NZX) companies. Gender diversity is, however, actively championed by many private sector organisations.[23]

Gender pay gap and pay equity[24]

92. The gender pay gap is a high-level indicator of the difference between women's and men's earnings. In June 2017, New Zealand's gender pay gap was 9.2%. While this gap has been trending downwards since 1998 (16.2%), progress has been slow in the last decade.

93. Closing the gender pay gap is a priority for the Government. Work is underway to:

- Address the gender pay gap within the core public service (currently 12.5% based on average annual salary);
- Support employer action; and
- Build and promote evidence on the gender pay gap.

94. The Government is acting to address pay equity (equal pay for different work of equal value) resulting from systemic discrimination, where jobs that have traditionally been performed by women are paid less than jobs traditionally performed by men. The Government is developing a process for considering pay equity claims for employees working in female-dominated occupations affected by systemic structural discrimination that have been historically, and continue to be, undervalued.

95. A recent NZ$2 billion pay equity settlement for 55,000 care and support workers in New Zealand's aged and disability residential care and home and community support services demonstrates the importance of pay equity. Pay equity legislation is expected to be introduced in 2018.

Other issues

96. New Zealand has legislation in place to prevent and punish forced and underage marriage and female genital mutilation. Government agencies have agreed to identify and support victims of forced and underage marriage.[25]

Children[26]

97. Children and young people make up approximately 26% of New Zealand's population. The majority of our children grow up healthy and well-educated, but poverty is still a persistent problem for too many people. Levels depend on the threshold and measure used, but using the primary measures proposed in the Government's Child Poverty Reduction Bill (see below), recent estimates of the number of children living in poverty range between 135,000 and 210,000 children. There are interrelated issues with child health, housing and education statistics, as well as cross-cutting challenges in ensuring all of our children are free from violence, abuse and neglect.

98. The rights of New Zealand children were frequently raised during UPR consultations, with calls for greater urgency in tackling child poverty, abuse and neglect and to introduce a minimum employment age.

99. Over the past 4 years, the Government has made significant efforts to increase protection and promote the rights of children. The Vulnerable Children Act 2014 made wide-ranging changes to protect children and support them to thrive. Child protection policies have been adopted by the Government, District Health Boards and school Boards of Trustees, and are required by all Government-funded organisations providing services to children. Safety screening and vetting of every person in the Government's children's workforce has been introduced.

100. A new stand-alone Government department, *Oranga Tamariki* – Ministry for Children, became operational in 2017, signalling a whole-of-sector, child-centred approach. The Ministry is dedicated to supporting any child in New Zealand whose wellbeing is at significant risk of harm. The Ministry is also working with young people who may have offended, or are likely to offend, and managing adoption services. *Oranga Tamariki* – Ministry for Children's work is guided by the Convention on the Rights of the Child.

101. The Government has determined that the levels of child poverty in New Zealand are unacceptably high. New Zealand's Prime Minister, Rt Hon Jacinda Ardern, is the first New Zealand Minister for Child Poverty Reduction. The Prime Minister introduced the Child Poverty Reduction Bill to Parliament in January 2018. The Bill will require successive governments to set 3-year and 10-year targets to reduce child poverty in New Zealand, and annual reporting of trends across mulitple measures of child poverty.

102. The Bill also requires the Government to adopt, publish and review a Government strategy for improving the wellbeing of all children, reducing child poverty, and mitigating impacts of child poverty and of socio-economic disadvantage experienced by children. The

purpose of these proposed requirements is to create a greater commitment to action by successive governments to address the wellbeing of all children, and the particular needs of children in poverty and those at risk.

103. In February 2018, Prime Minister Ardern announced the establishment of a Royal Commission of Inquiry into historical abuse in state care. Consultation on the Commission's Terms of Reference is currently underway and will include consideration of impacts on specific groups, including Māori, Pacific and LGBTIQ communities. Some participants at UPR consultations wanted to see the Commission's scope broadened to include religious institutions and community groups.

104. In preparing this report, the Government placed a strong focus on the views of young people. During consultations, students identified practical suggestions to improve the human rights of young New Zealanders. These included lowering the minimum voting age; reducing class sizes; raising the minimum wage; addressing privacy concerns online; and improving housing quality for families through building innovative apartments. Other issues that students identified as impacting on young New Zealanders included discrimination based on gender, race, or sexual orientation, access to dedicated mental health services (including suicide prevention), family violence, and housing affordability. The Government is committed to improving the rights of young New Zealanders and will continue to engage with them in the UPR process.

Persons with disabilities[27]

105. According to the 2013 Disability Survey, approximately 1 in 4 New Zealanders self-reported having a physical, sensory, learning, mental health or other impairment. People aged 65 or over, Māori and Pacific peoples are recorded as having higher-than-average disability rates.

106. Issues of concern raised during UPR consultations included the availability of resources to live inclusively, early mortality rates, reasonable accommodations in Parliamentary processes, improved data collection, and a lack of support for families and whānau caring for persons with disabilities.

107. New Zealand has a long-standing commitment to promoting the rights of persons with disabilities. The New Zealand Disability Strategy 2016-2026 takes a twin-track approach, including 'investing in whole lives' and specific and mainstream services. Development of an Outcomes Framework is underway to enable better monitoring against the Strategy's outcome areas and the Convention on the Rights of Persons with Disabilities. New Zealand also has a 'Disability Action Plan' which is jointly governed by Disabled People's Organisations and Government agencies.

108. In 2017, the Government began a process for the transformation of New Zealand's disability support system, building on learnings from the 'Enabling Good Lives'[28] demonstrations. The aim is to provide persons with disabilities and their families with greater choice and control over their lives.

109. The prototype of the new system was co-designed by persons with disabilities, *whānau* (families), service providers and Government agencies for trial in 2018. Those eligible for the transformed approach will receive a personal budget to use flexibly to purchase disability supports. The new system will provide a 'connector' to help persons with disabilities and their families identify needs and access supports. It will offer joined-up services, streamlined funding and allocation processes, and greater accountability.

110. The '*Whāia Te Ao Mārama* 2018-2022' (Māori Disability Action Plan) was developed to support Māori with disabilities and their *whānau* (families). It is aimed at reducing discrimination, and encourages participation of Māori with disabilities in the development of health and disability services, and support services that are responsive to Māori.

111. The '*Faiva Ora* 2016–2021' (National Pasifika Disability Plan) sets out priority outcomes and actions to support and improve the lives of Pacific persons with disablities and their families.

Māori

112. Māori New Zealanders hold special status as *tangata whenua*, the indigenous people of New Zealand. The rights of Māori are provided for under the Treaty of Waitangi and further affirmed in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Māori comprise approximately 15% of New Zealand's total population, or nearly 600,000 people. The rights of Māori and the status of the Treaty of Waitangi were frequently raised during UPR consultations.

113. The challenges experienced by Māori in relation to inequalities in education, employment, health, and justice are covered elsewhere in this report. This section is focused on historical claims in the framework of the Treaty of Waitangi, efforts to protect Te Reo Māori (the Māori language), and the '*Whānau Ora*' ('Family Health') approach.

Settling historical treaty claims[29]

114. Claims of breaches by the government of the Treaty of Waitangi before 1992 are known as historical claims. Historical Treaty settlements are negotiated between the Government and claimant groups to resolve these claims and provide redress to claimant groups. Settlements agreed between the Government and representatives of claimant groups go through a process of ratification by the claimant group, and pending the result of the ratification vote, are enacted into law. To date, 89% of *iwi* (tribes) have settled or are in settlement negotiations with the the Government. The Government is dedicated to completing all settlements in a timely manner.

115. While remaining focused on achieving Treaty settlements, the Government is increasingly turning its attention to ensuring the durability of Treaty settlements and other post-settlement matters. In September 2018, the Government confirmed the final scope of a new Ministerial portfolio and agency called Māori Crown Relations: Te Arawhiti. The new agency consolidates several other units and offices including the Office of Treaty Settlements, the Post Settlement Commitments Unit and the Marine and Coastal Area Act Team.The new agency will work to ensure that the Crown (the government) honours its settlement commitments, that there is more active partnerships with Māori both in policy development and the design and delivery of services, and that the gains made in relationships between government and Māori through the settlement process are maintained and built upon. The Minister for Māori Crown Relations: Te Arawhiti will also look to facilitate partnership opportunities that arise in a post-Treaty settlement environment and expand opportunities for relationships beyond those established by the settlement of historical claims.

Safeguarding Te Reo Māori (the Māori language)[30]

116. Te Reo Māori (the Māori language) is an important cultural asset for Māori and is protected under the Treaty of Waitangi. In 2016, the New Zealand Parliament passed *Te Ture mō te Reo Māori*, the Māori Language Act. This Act establishes a new organisation, '*Te Mātāwai*', to lead the revitalisation of the Māori language. The Act is written in *Te Reo Māori* (the Māori language) and English, with the Māori language text prevailing – a first for the New Zealand legal system.

117. In 2018, the Minister for Māori Development will release '*Maihi Karauna*', the Government's strategy for the Māori language. This will complement '*Maihi Māori*', the strategy being developed by *Te Mātāwai*. '*Maihi Karauna*' will focus on national-level matters including contributions by Government to the revitalisation of the Māori language. '*Maihi Māori*' will focus on the community level.

Whānau Ora

118. '*Whānau Ora*' (Family Health) is a Government-funded approach established in recognition of the disparities for Māori across a range of sectors. The approach is unique because it endorses the capacity of *whānau* (families) for self-determination, has an inter-generational dynamic, is built on a Māori cultural foundation, and asserts a positive role for *whānau* (families) within society.

119. Three '*Whānau Ora*' Commissioning Agencies deliver devolved whānau-centred services and initiatives to support whānau to be self-managing leaders. '*Whānau Ora*' recognises the collective strength and capability of whānau to achieve better outcomes in areas including health, education, environment, and employment.

Pacific peoples[31]

120. In the 2013 Census, 7.4% of New Zealanders identified with one or more Pacific ethnic groups. Two-thirds of Pacific peoples were born in New Zealand. It is expected that Pacific peoples will comprise 10% of New Zealand's total population by 2038.

121. Education, employment, health and housing data show that Pacific peoples are faring less well than other New Zealanders. The Ministry for Pacific Peoples is currently focusing on improving educational and employment outcomes. Examples include the *Toloa* programme, which encourages Pacific students to pursue studies in science, technology, engineering and mathematics, and the Pacific Employment Support Service, which focuses on reducing the number of Pacific young people who are not in employment, education or training. There are also disparities between those born in New Zealand and in the Pacific islands, and between different Pacific groups.

122. Census data indicates that the number of fluent Pacific language speakers in New Zealand is declining. The Government aims to preserve and promote the use of Pacific languages through annual language weeks. A variety of media and digital platforms are used to highlight the importance of Pacific languages and ensure their survival within communities.

People of Canterbury[32]

123. The 2010 and 2011 Christchurch earthquakes killed 185 people and resulted in damage to 90% of homes in the city. Major recovery issues emerged for affected people, particularly in relation to adequate housing.

124. Seven years on, significant progress has been made. The repair and rebuild of the water supply, wastewater, stormwater and roading infrastructure was completed in 2017. Other reconstruction projects have been completed, or are underway, and significant amounts of land have been rezoned, allowing for housing to be replaced.

125. A Recovery Strategy and Recovery Plans were developed to enable recovery to progress with certainty in areas including the central city, and to open up the supply of land for housing following the loss of housing stock. Other Recovery Plans enabled collaborative initiatives developed by local iwi and Councils and agreed long-term land uses.

126. Housing New Zealand[33]'s Canterbury Earthquake Recovery Programme has now concluded, with 5,140 houses repaired and 701 new houses built. This returned Housing New Zealand's housing stock to pre-earthquake levels but with the benefit of significant improvements in quality, including warmth and dryness. In the private housing market, there has been progress towards the development of affordable housing on publicly-owned land in the inner city and city fringe areas.

127. Due to progress with residential repair and rebuild over the past two years, private market rentals are the main supply of temporary accommodation for displaced residents. The Government's temporary accommodation villages are being decommissioned and sold to housing providers. These villages had helped meet the needs of homeowners who struggled to find accommodation in the private rental market. They also relieved pressure on the private market, contributed to psychosocial recovery and provided reutilisation benefits.

128. The Government started putting in place arrangements to enable local leadership of regeneration efforts in Christchurch in 2015, recognising that for recovery to be sustainable, it needs to be led by local communities. Several legislative and institutional arrangments were refreshed in 2016. The Greater Christchurch Regeneration Act 2016 provides for the future development of greater Christchurch and enables an increased role for local leadership. Regenerate Christchurch, a Crown and Council joint entity, was set up to lead

regeneration planning. Ōtākaro Limited, a Crown-owned company, was set up to deliver Government-led projects, including accessibility improvements and transport projects. The Government has invested an estimated $18 billion to ensure that Christchurch is stronger and more resilient than before the earthquakes.

Refugees, migrants and asylum seekers[34]

Migrants

129. Thousands of people arrive each year to make New Zealand their home. New Zealand is one of the most ethnically diverse countries in the OECD, and nearly one in four New Zealanders was born overseas.

130. The New Zealand Migrant Settlement and Integration Strategy sets out the Government's approach to effectively settle and integrate migrants so they make New Zealand their home, participate fully and contribute to all aspects of New Zealand life. The Strategy supports outcomes for migrants in five key settlement areas: employment, education and training, English language, health and wellbeing, and inclusion.

131. Sixteen outcome indicators measure progress on the five settlement areas. An annual dashboard report measures and monitors trends across the Strategy outcomes and helps direct cross-government settlement activity. Migrants are also consulted on a regular basis to identify settlement challenges.

132. A cross-government settlement work programme supports each of the Strategy outcome areas for recent migrants. Services and trusted information provided across government agencies include a focus on addressing discrimination against migrants in the workplace and in the community, and ensuring migrants and their employers understand their rights and responsibilities.

Ethnic Communities

133. The Office of Ethnic Communities (OEC) provides policy advice to ensure equal access for ethnic people, building relationships between ethnic minorities and mainstream communities and promoting intercultural dialogue. Recent initiatives include the 'Young Leaders Programme', aimed at developing young leaders to increase ethnic visibility and representation in the public sector, and the 'Ethnic People in Commerce Conference', connecting New Zealand's ethnically-diverse business community with business leaders and Government agencies. To encourage diversity and inclusion, the 'Ethnic Communities Development Fund' has contestable grants for leadership development, social cohesion, and culture projects. OEC is developing plans to increase ethnic communities' participation on state sector boards. OEC also runs 'Language Line', making services more accessible to people with English as a second language. This is a telephone-operated interpreting service with 44 languages which supports positive settlement outcomes and social inclusion.

Protecting migrant workers[35]

134. In 2015, the Immigration Amendment Bill (No 2) was passed by Parliament. This Bill made a number of amendments to the Immigration Act 2009 to address gaps in the compliance regime and introduce new measures to prevent exploitation of migrant workers. Subsequently, in 2017 new measures were introduced to stop employers who breach immigration and employment law from recruiting migrant workers.

135. The Ministry of Business, Innovation and Employment is working to address temporary migrant worker exploitation and proactively targeting employers that exploit workers, particularly migrant workers. The Ministry undertakes compliance and enforcement, supported by advice and education programmes. Separately, a Serious Offences Unit has been established which investigates and prosecutes the most serious, complex and organised offending, including migrant exploitation.

People trafficking[16]

136. New Zealand is committed to combatting people trafficking in all its forms and at all levels. Victims of trafficking are treated as people in need of protection and provided with a range of support services through a whole-of-Government approach.

137. In 2015, Parliament passed the Organised Crime and Anti-Corruption Bill. Exploitation and coercion where the victim has remained in New Zealand now constitutes an offence, meaning the offence is not restricted to cases where a victim has crossed a national border. The definition of exploitation also includes forced labour (and other forced services), slavery and like practices, and servitude.

138. New Zealand's whole-of-Government response to people trafficking is outlined in a 'Plan of Action to Prevent People Trafficking'. The Plan's goals are to prevent people trafficking, protect the human rights of trafficking victims and prosecute people traffickers. The Plan of Action is currently being refreshed to reflect the 2015 legislative changes. It will be expanded to include slavery and forced labour, and will look to capture the wide array of regional and national partnerships and collaboration underway to effectively address these issues. New Zealand's first conviction for people trafficking occurred in 2016. Another case is currently before the Courts.

Refugees and asylum seekers

139. New Zealand's Refugee Quota Programme and special emergency Syrian intake reflect New Zealand's commitment to fulfilling its international humanitarian commitments and responsibilities to provide protection to refugees. In September 2015, the Government announced that New Zealand will welcome 750 Syrian refugees in response to the ongoing conflict in Syria. Of these, 600 were by way of a special emergency intake above New Zealand's annual quota.

140. The Government announced in 2016 that the Refugee Quota will permanently increase to 1,000 places annually from July 2018. A further increase to 1500 places annually from July 2020 was announced in September 2018. The Government also agreed to pilot a new Community Organisation Refugee Sponsorship Category for 25 refugees in 2017/2018. The new category is in addition to and complements the Refugee Quota.

141. The New Zealand Refugee Resettlement Strategy sets out the Government's approach to supporting settlement outcomes for refugees so that they achieve social integration, self-sufficiency and independence. The Strategy has six key settlement areas: employment, housing, education, health and wellbeing, and participation.

142. On arrival, quota refugees are accommodated at the Mangere Refugee Resettlement Centre where they participate in a six-week reception programme, which focuses on living and working in New Zealand. As permanent residents, refugees have access to the same Government-funded services as New Zealand citizens.

143. Since 2015, the Ministry for Business, Innovation and Employment has contracted an evaluation of the reception and community orientation programmes. Refugees have been interviewed at various stages of their settlement in New Zealand about their experience of these programmes and the extent to which these have prepared them for settlement in the community. Evaluation findings are used to further improve services.

144. After completing the reception programme, quota refugees are settled in public housing or private rentals in seven settlement locations in New Zealand and provided support to settle in the community for up to 12 months.

145. In addition, refugee and protection claims may be made in New Zealand. While a claim is being determined, an asylum seeker can access health care and, depending on their temporary visa, can access work or study. Children asylum seekers are able to access primary and secondary education, regardless of immigration status.

V. New and emerging issues

146. This report is focused on identifying Government priorities to address human rights issues in relation to UPR recommendations received by New Zealand. In this final section, we outline three issues that have not previously featured in our UPR reporting: housing quality, supply and affordability; sexual orientation and gender identity; and the impact of the environment.

Housing quality, supply and affordability

147. Housing issues were frequently raised during UPR consultations. Participants were concerned about cost and quality of housing, security of tenure in rented accommodation, and a shortage of housing for the elderly and persons with disabilities, leading to mental and physical health consequences, difficulties in maintaining employment, and breakdowns in family relationships.

148. The Government recognises that New Zealand's housing situation needs improvement. A range of policies and initiatives are in place, or planned, to increase the supply of land available for housing, provide public housing, reduce homelessness, improve tenure security and housing quality for renters, and increase home ownership rates.

149. Significant recent developments include:

- 'KiwiBuild', an ambitious NZ$2 billion programme aiming to deliver 100,000 affordable quality homes for first-home buyers over the next decade;
- Over $500 million in Budget 2018 to increase public housing to around 6,400 over four years, and to expand Housing First to purchase 550 additional places, and achieve 2,155 transitional housing places to fight homelessness;
- The 'Land for Housing Programme', which acquires vacant or underutilised land for state housing purposes;
- The Healthy Homes Guarantee Act 2017, which enables regulations for minimum quality standards of rental properties; and
- Reform of the Residential Tenancies Act 1986.

150. The Government is committed to ensuring Māori have equitable housing outcomes. A Māori Housing work plan has been developed to ensure that wider housing policies are of benefit to Māori and to develop options to deal with Māori-specific issues, such as building on Māori land. The Government is taking an active part in the forthcoming Waitangi Tribunal *kaupapa* (thematic) inquiry into housing services and policy. It is hoped the outcomes of the Tribunal inquiry will be useful in informing Government policies in relation to housing services, not just for Māori but for all New Zealanders including migrants, refugees and asylum seekers.

Sexual orientation and gender identity

151. While no sexual orientation or gender identity issues were reflected in the 2015 UPR recommendations, the Government indicated its intention to address these. There remains an elevated risk of mental health issues and suicide risk in New Zealand's LGBTIQ population. Discrimination against LGBTIQ people was raised during UPR consultations, particularly by young people.

152. Variable access to quality and targeted health services remains an issue for the LGBTIQ community in New Zealand, although some progress is being made. Work is underway to improve gender-affirming treatment for gender-diverse New Zealanders and to reduce the long waiting list for access to surgery. An intersex clinical pediatric network is being developed to improve the clinical experience for intersex patients, and New Zealand is an early adopter of funding a pre-exposure treatment for people most at risk of HIV infection.

153. The experience of transgender people in prison can be problematic, despite a policy change in 2014 aimed at broadening the criteria used to determine gender identity and ensuring appropriate prison assignment. The Government has introduced a new policy for the safe management of transgender prisoners. The policy is underpinned by four principles – that transgender prisoners' management will be individualised; seek to ensure their safety, dignity and privacy; enable them to maintain their gender identity while in prison; and not be solely determined by whether they are placed in a prison which aligns with their gender identity.

154. In 2016, the Ministry of Education released guidance for schools on supporting the inclusion and wellbeing of LGBTIQ students, providing practical strategies for developing school cultures where all students are safe, included, visible and valued.

155. The Minister of Statistics recently announced that sexual orientation and identity questions will be a priority for the 2023 national census. Obtaining data regarding these minority groups will enable better targeting of services to meet their health and social needs.

Impact of the environment

156. New Zealanders enjoy a high environmental quality of life, although the environment and natural resources are under increasing pressure. In particular, climate change has significant impacts on the cultural, economic and social rights of New Zealanders. In 2017, the Government committed to taking decisive action on climate change, and signalled its intention to introduce a new Zero Carbon Bill in 2018. The Bill is intended to set a new emissions reduction target for 2050 and establish an independent Climate Change Commission to keep future Governments on track to meet New Zealand's climate change goals. Public consultation took place from June to July 2018.

157. An Environmental Health Action Plan is being developed to provide strategic direction for environmental health activities in New Zealand. The Plan will identify local, national and regional environmental health risks and provide environmental health risk management strategies and reporting. The Plan is intended to support those involved in environmental health and provide guidance and a framework to further environmental health work.

VI. Conclusion

158. The Government welcomes this opportunity to take stock of New Zealand's human rights performance. While New Zealand has made progress in several areas, we recognise that significant ongoing challenges remain. We look forward to participating in the UPR dialogue and receiving recommendations from States, as well as continued engagement with civil society, to inform the Government's future action on human rights in New Zealand.

Notes

[1] UPR recommendations 42, 43.
[2] UPR recommendations 30, 37, 86, 88.
[3] The Treaty of Waitangi (Te Tiriti o Waitangi) is New Zealand's founding document, signed in 1840 by British Representatives and Māori rangatira (chiefs). It remains the basis of the relationship between Māori and the New Zealand Government.
[4] UPR recommendations 28, 47.
[5] UPR recommendations 154, 155.
[6] UPR recommendations 1, 3, 4, 6, 7, 15, 29, 31, 47, 89.
[7] International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; International Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of All Forms of Discrimination Against Women; Convention on the Rights of the Child; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment

or Punishment; and the Convention on the Rights of Persons with Disabilities.

[8] UPR recommendations 48, 49, 50.

[9] UPR recommendations 57, 106–112, 114–128, 134, 142.

[10] Pasifika is a term that describes people living in New Zealand of Pacific descent.

[11] UPR recommendation 25.

[12] UPR recommendations 64, 68, 71, 73, 75–77, 81–84, 102, 103, 133.

[13] These programmes include: The 'Tikanga Māori' Motivational Programme offers culturally-responsive motivational programmes for people who identify as Māori; 'Mauri Tū Pae' is a programme to reduce reoffending, delivered in the five Te Tirohanga (Māori focus) units and at the Northland Regional Corrections Facility; Qualifications in Māori language and culture are delivered at many prison sites; The 'Whare Oranga Ake' Māori culturally-based programme houses minimum-security prisoners nearing release outside prison in self-care accommodation; The 'Tiaki Tangata' programme supports long-term prisoners transitioning back into the community on release; 'Mana Wahine' Māori culturally-based units operate at the three women's corrections facilities; and the 'Saili Matagi' rehabilitation programme targets Pasifika men serving a sentence for violent offences by providing behavioural support.

[14] The Waitangi Tribunal is a standing commission of inquiry with the statutory jurisdiction to consider claims that the Crown has breached the principles of the Treaty of Waitangi and, if the Tribunal so finds, to make (principally non-binding) recommendations to the Crown to remedy the breach.

[15] UPR recommendations 64–66, 68, 69, 71, 72, 74, 75, 78–80, 139, 140–144.

[16] UPR recommendation 142.

[17] UPR recommendations 64, 69, 72, 75, 79, 80, 136, 137.

[18] A Before School Check is a free health and development check for 4-year olds.

[19] A community treatment order requires patients to accept psychiatric treatment outside hospital, subject to regular, independent review. The core requirements are to maintain continuing contact with community mental health professionals and to accept medication as prescribed.

[20] UPR recommendations 91, 93, 94.

[21] UPR recommendation 141.

[22] UPR recommendation 92.

[23] These organisations include the Institute of Directors, Business New Zealand, Champions of Change, Global Women and NZX.

[24] UPR recommendations 96–99.

[25] UPR recommendations 129, 130.

[26] UPR recommendations 44, 55–63, 67, 70, 107, 112, 123, 124, 138, 142.

[27] UPR recommendations 72, 75, 105, 136.

[28] Enabling Good Lives is a principles-based approach to supporting persons with disabilities that offers choice and control over the supports they receive.

[29] UPR recommendations 40, 41, 87.

[30] UPR recommendation 85.

[31] UPR recommendation 143.

[32] UPR recommendations 51–53.

[33] Housing New Zealand provides housing services to New Zealanders in need.

[34] UPR recommendations 145, 146, 148–152.

[35] UPR recommendation 101, 147.

[36] UPR recommendation 131.